

Remarks

Applicant respectfully requests reconsideration and allowance of the present application in view of the claim amendments and the remarks below.

The defect in the Oath/Declaration noted in paragraph 2 of the Office Action has been previously addressed by way of the Application Data Sheet filed on September 14, 2007, by the undersigned firm.

Claims 1 through 28 were pending in the application. With the present Amendment, claims 2, 10, 11-20, and 22 are cancelled. Independent claim 1 remains with claims 3-9 depending therefrom. Independent method claim 21 remains with claims 23 through 28 depending therefrom.

Claims 1-10 have been variously amended to overcome the § 112, second paragraph, rejections of paragraphs 6 and 7 of the Office Action. The rejections of claims 22 (paragraphs 4 and 5 of the Office Action) and objections to claims 11-20 (paragraph 8 of the Office Action) are rendered moot by cancellation of the claims.

A properly executed Terminal Disclaimer is submitted herewith to overcome the provisional obviousness-type double patenting rejection set forth in paragraphs 9 and 10 of the Office Action.

Claims 1, 3, 5-7, and 9 stand rejected under § 102(b) in view of Koza '050. Claims 21 and 23-27 stand rejection under § 103(a) in view of the combination of Koza '050 and Guittin '246 or Baerlocher '573 or Walker '864. Claim 4 stands rejected under § 103(a) in view of the combination of Koza '050 and Itkis '787 or Luciano '521. Claim 8 stands rejected under § 103(a) in view of the combination of Koza '050 in view of Anderson '412 or "Scrabble." Claim 28 stands rejected under § 103(a) in view of the combination of Koza '050 and either Guittin '246 or Baerlocher '572 or Walker '864 as

applied to claim 21, and further in view of Roberts '510. Applicant respectfully submits that all of the pending claims as amended and presented herein patentably distinguish over any combination of the cited references, as discussed in further detail below.

In paragraph 3 of the Office Action (“Claim Interpretation”), the Examiner states that the broadest reasonable interpretation of “alphabetic play phrase” is any coherent text that may include a word, and a series of letters or numbers or alphanumeric sequence. The Examiner also states that the breadth of the original claims did not require a plurality of words, and was satisfied by an alphanumeric sequence.

The applicant does not acquiesce in the Examiner’s claim interpretations. However, to alleviate any confusion and to further expedite prosecution of the present application, independent claim 1 is amended herein to expressly call for a lottery input unit that is configured to receive “a play phrase from a user that comprises a plurality of words.” Thus, there should be no question that the claimed “play phrase” at least includes a plurality of words, and cannot be a simple alphanumeric sequence.

Similarly, independent method claim 21 calls for storing an alphabetic play phrase “having a plurality of words defined by a plurality of characters.” Thus, the play phrase must include at least a plurality of words, and cannot be a simple alphanumeric sequence or string of characters that do not form a plurality of words.

As amended herein, independent claim 1 calls for a lottery terminal apparatus to include a lottery input unit that receives a play phrase from a user, the play phrase comprising a plurality of words. The apparatus includes a value input device, and a controller operatively coupled to the value input device. The controller includes a processor and a memory coupled to the processor. The controller is programmed to

receive wager data in response to a wager made by a game user. The controller is programmed to assign a prize value to the received play phrase input by the user. The controller randomly generates an alphabetic sample that comprises a random string of letters, and then determines the correlation between the alphabetic sample and the play phrase. The controller determines a pay-out value based on the correlation between the alphabetic sample and the play phrase, and the prize value. In other words, depending on the value of the complete words in the play phrase that are satisfied by the string of letters in the alphabetic sample, a prize award is determined. This unique configuration of elements is not anticipated by Koza '050.

Koza '050 is directed to a broadcast lottery in which a player acquires a ticket containing game information for comparison to information broadcasted from a transmitter. Koza '050 specifically states that "a player selects a word from a collection of pre-selected words and wins if the player's selected word matches the winning word drawn from the set." (Column 12, lines 57-59). Thus, Koza proposes a lottery game wherein players select a word from a known collection of pre-selected words. A word from the pre-selected group of words is then randomly drawn, and if the player's word matches the drawn word, the player wins. This type of game is fundamentally different from that set forth in claim 1 wherein the player inputs a phrase that comprises a plurality of words, and then receives a randomly generated string or set of letters, with the letters being subsequently correlated to the words in the phrase to determine if any of the words are satisfied or matched by the letters in the randomly generated string. With the game implemented by the apparatus of claim 1, the outcome of the game is thus directly determined by the initial selection of the phrase by the user. The game

according to Koza '050 is more akin to a raffle wherein players purchase tickets, and hope that their ticket is drawn from a set of all corresponding tickets sold.

Accordingly, it is respectfully submitted that the game proposed by Koza '050 is fundamentally different from the game implemented by the apparatus of claim 1, and that Koza '050 does not anticipated claim 1. Claim 1 is thus allowable, and claims 3 through 9 depending from claim 1 are allowable for at least the reasons set forth above with respect to claim 1.

Independent method claim 21 is not rendered obvious by Koza '050 in view of any of the other cited references, including Guittin '246, Baerlocher '573, or Walker '864. In the games proposed by Baerlocher '573 and Walker '864, the phrase is not provided by the player. In fact, the references specifically teach that the phrase is hidden from the player. On the other hand, Koza '050 requires that the phrase or set of words is known to the player so that the player may select one of the words. The games of Baerlocher '573 and Walker '864 are fundamentally different from that proposed by Koza '050, and no reasonable obviousness argument can be made wherein the references are combined to provide a game that is implemented by the apparatus of claim 1.

Guittin '246 is directed to a lottery game wherein the player matches a pre-selected list of words with words hidden in a matrix within a game area, as in a conventional word search type of puzzle. Guittin '246 provides no teaching, suggestion, or other reason for a user to provide a play phrase consisting of a plurality of words into the game, wherein the player wins based on whether or not a randomly selected set or

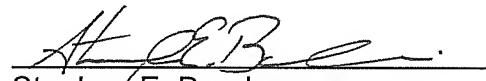
string of letters can be used to form the words. The word puzzle of Guittin '246 is fundamentally different from the game implemented by claim 21.

Accordingly, for at least the reasons set forth herein, applicant respectfully submits that all pending claims are allowable over the art of record, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

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